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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,556	02/19/2004	Yoshihiko Takagi	NGB-36462	5147

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EXAMINER	
BAYOU, YONAS A	

ART UNIT	PAPER NUMBER
2434	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/782,556	TAKAGI ET AL.	
	Examiner	Art Unit	
	YONAS BAYOU	2434	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 December 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7-11,14,15 and 17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7-11,14,15 and 17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 May 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to applicant's response filed on 12/14/2009.

2. Claims 1-5, 7-11, 14-15 and 17 are pending.

3. Claims 1-5, 10-11, 14-15 are amended.

4. Claims 6, 12-13 and 16 are cancelled.

5. Applicant's arguments have been fully considered but they are not persuasive.

Response to Arguments

1. Applicant, on page 7, last paragraph, of the remarks, argues "in the method of claim 1, Iguchi does not disclose such a moving process" as claimed.

Examiner respectfully disagrees and asserts that Iguchi discloses that there is mounted a work memory (e.g., a RAM) for executing/**moving** an application inside the controller (corresponding to first memory/tamper-resistant, item 121 in fig. 1). In addition, the application is encrypted using the private key inside the controller, then being stored into an access-limited area in the non-volatile memory outside the controller (corresponding to second memory/ flash memory, item 140 in fig. 1; generally teaches a moving process from first memory to second memory].

2. Applicant, on pages 7-8, of the remarks, argues "De Roose does not teach data which is accumulated in the first memory, is possible to be moved, and determined on

the basis of an instruction from the electronic device is moved to the second memory" as recited in the amended claim 1.

Examiner respectfully disagrees and asserts that De Roose discloses that in para. 21, with reference to fig. 1, ... the records are continuously generated on a per-call-basis. The generated records are stored into buffers BUF in transient memory and buffers thus filled (corresponding to data which is accumulated in the first memory, is possible to be moved) are transferred by an output management OPM (corresponding to an instruction unit) to a receiving manager RXH of an external server RS over a previously established, permanent transmission link TLN which is, e.g., an X.25 link **[para. 21 and fig. 1].** De Roose further discloses in para. 7... when all buffers in transient memory get full, all buffer contents are saved into a backup file on a permanent storage device, such as a hard disk. At a later time, the data are transferred to the receiving side by sending the backup file. Thus, transient memory space is made available again for the storage of further data that would otherwise be lost [para. 7, someone having ordinary skill in the art realize that there exists a moving process when the first memory /transient memory get full and move the data to the second memory/permanent storage device so that the first memory has space for the storage of further data/in order to create space area in the first memory sufficient to perform the downloading or installing; all these moving process has been done inherently by instruction from an output management OPM (see fig. 1)] .

3. Examiner, however, in light of the above submission maintains the previous rejections while considering the amendments to the claims as follows:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-5, 7-11, 14-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iguchi et al., Pub. No.: US 2002/0169960 A1 in view of De Roose, Pub. No.: US 2002/0049746 A1.

Referring to claim 1, Iguchi teaches a memory device comprising:

a first tamper resistant memory which cannot be accessed directly by an external electronic device **[abstract, para. 40-41 and figs. 1 and 5;** the high-security data into the tamper-resistant module is encrypted];

a second non-tamper resistant memory which cannot be directly accessed by external electronic device **[abstract, para. 40-41 and figs. 1 and 5;** flash memory 140 is corresponding to a second non-tamper resistant memory];

a managing table in which the managing information for the data stored in the first memory is described, the managing information includes information indicating whether or not the data can be saved **[paras. 65, 76, 117 and figs. 17, 19C-D and 22;** it would have been obvious that one of the attribute could be that: a managing table in which the managing information of the data stored in the first memory is described, the managing information includes information indicating whether or not the data can be saved]. Iguchi does not appear to teach explicitly, wherein when requested via the data processing section by the external electronic device to download or install first data in the first memory and if there is no space area for downloading or installing the first data in the first memory, said data processing section moves to the second memory second data which is accumulated in the first memory in order to create space area in the first memory sufficient to perform the downloading or installing the first data upon reception of an instruction from the electronic device, and when there is space area available in the first memory, said processing section restores the moved second data in the second memory into the first memory, the second data being possible to be moved and determined on the basis of an instruction from the electronic device . However, De Roose discloses that in para. 21, with reference to fig. 1, ... the records are continuously generated on a per-call-basis. The generated records are stored into buffers BUF in transient memory and buffers thus filled (corresponding to data which is accumulated in the first memory, is possible to be moved) are transferred by an output management OPM (corresponding to an instruction unit) to a receiving manager RXH of an external server RS over a previously established, permanent transmission link TLN

which is, e.g., an X.25 link **[para. 21 and fig. 1]**. De Roose further discloses in para. 7… when all buffers in transient memory get full, all buffer contents are saved into a backup file on a permanent storage device, such as a hard disk. At a later time, the data are transferred to the receiving side by sending the backup file. Thus, transient memory space is made available again for the storage of further data that would otherwise be lost [para. 7, someone having ordinary skill in the art realize that there exists a moving process when the first memory /transient memory get full and move the data to the second memory/permanent storage device so that the first memory has space for the storage of further data/in order to create space area in the first memory sufficient to perform the downloading or installing; all these moving process has been done inherently by instruction from an output management OPM (see fig. 1)].

Iguchi and De Roose are analogous art because both teach secured memory device.

At the time of the invention, to one of ordinary skill in the art to modify the method of Iguchi to include when no output is possible over the link and all buffers in transient memory get full, all buffer contents are saved into a backup file on a permanent storage device of De Roose because transient memory space is made available again for the storage of further data [para. 7], please see KSR International Co. v. Teleflex Inc., 550 U.S-, 82 USPQ2d 1385 (2007) for further interpretation.

Referring to claims 2 and 5, Iguchi teaches a memory device comprising: wherein the second data is data prepared when installing an application program or executing the application program **[abstract and para. 3]**.

Referring to claim 3, Iguchi teaches a memory device comprising: wherein when the second data is moved to the second memory, the program code of the application program is rejected from the first memory **[para. 50]**.

Referring to claim 4, Iguchi teaches a memory device comprising: wherein when the second data is moved to the second memory, the program code of the application program is left in the first memory **[para. 50]**.

Referring to claim 7, Iguchi teaches a memory device comprising: wherein the application program is downloaded in the first memory and installed in the first memory **[abstract, paras. 88, 106, 139 and figs. 13-14]**.

Referring to claim 8, Iguchi teaches a memory device comprising: wherein the application program is downloaded in the second memory and installed in the first memory **[abstract, paras. 106, 139 and figs. 13-14]**.

Referring to claim 9, Iguchi teaches a memory device comprising: wherein the application program is downloaded in the second memory and installed in the second memory **[abstract, paras. 88, 106, 139 and figs. 13-14]**.

Referring to claim 10, Iguchi teaches a memory device comprising: wherein the second data and the signature information for the second data are encoded and moved to the second memory **[abstract, paras. 11, 41 and 50]**.

Referring to claim 11, Iguchi teaches a memory device comprising: wherein the first memory includes a saved information managing unit for managing saved information, the second data is encoded and moved, and the signature information of the encoded second data is stored in the saved information managing unit **[abstract, paras. 50-51]**.

Referring to claim 14, Iguchi teaches a memory device comprising: wherein the second data is restored in accordance with a restoration instruction from the electronic device **[abstract, paras. 5 and 41;** a command corresponding to restoration instruction from the electronic device].

Referring to claim 15, Iguchi teaches a memory device comprising: wherein the second data related to the application program is restored in accordance with a start instruction of the application program from the electronic device **[abstract, paras. 116]**.

Referring to claim 17, Iguchi teaches the memory device further comprising an inner CPU which can directly access to both the first memory and the second memory **[abstract, paras. 41 and 46]**.

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YONAS BAYOU whose telephone number is (571)272-7610. The examiner can normally be reached on m-f,7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571-272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yonas Bayou/

Examiner, Art Unit 2434

02/19/2010

/Kambiz Zand/

Supervisory Patent Examiner, Art Unit 2434